REMARKS

The application has been reviewed in light of the final Office Action dated November 14, 2008 and the Advisory Action dated April 1, 2009. Claims 1-16 were pending in this application. By the present Amendment, claim 14 has been amended to clarify the claimed subject matter, and new claim 17 has been added. Claims 1-17 would be pending upon entry of this Amendment, with claims 1, 7, 13 and 14 being in independent form.

Claims 14-16 were rejected under 35 U.S.C. §101 as purportedly directed to non-statutory subject matter.

By the present Amendment, claim 14 has been amended to clarify the claimed subject matter.

It is contended in the Office Action that "first network terminal apparatus" and "second network terminal apparatus" are software ***per se***.

Applicant traverse such contention as being contradictory to the Patent Office's general policy regarding software. That is, it is the Patent Office's general position that software ***per se*** is merely descriptive and cannot be deemed an apparatus or device until it is embodied in a computer readable medium and is executable by a processor or computer.

Thus, when "first network terminal apparatus" and "second network terminal apparatus" are read on software, they must read on software embodied in a computer readable medium and executable by a processor or computer, thereby rendering each of the "first network terminal apparatus" and "second network terminal apparatus" to be the type of subject matter that complies with the requirements under Section 101.

Further, it is noted that in claim 14, the "second network terminal apparatus" is "connected to the first network terminal apparatus via a network". One software cannot be

connected to another software via a network, unless the one is executing on a terminal, computer or machine and the other is also executing on a terminal, computer or machine, in which case, again, "first network terminal apparatus" and "second network terminal apparatus", when read on software, must read on the software embodied in a computer readable medium and executable by a processor or computer.

Further, claims 15 and 16 do not reference a system at all, but rather depend from claim 1 which is directed to a network terminal apparatus (that is, subject matter that is clearly compliant with the requirements of 35 U.S.C. §101).

Withdrawal of the rejection under 35 U.S.C. §101 is respectfully requested.

Claims 1-16 were rejected under 35 U.S.C. § 103(a) as purportedly unpatentable over Kayashima et al. (US 2003/0055939 A1) in view of Henderson (US 2006/0101071 A1).

Applicant respectfully submits that the present application is allowable over the cited art, for at least the reason that the cited art does not disclose or suggest various aspects of the present application, such as:

(a) a network terminal apparatus that is configured to ***transmit (when connected to other network terminal apparatuses via a network)*** ***a command requesting setting information to one of the other network terminal apparatuses via the network***;

(b) the same network terminal apparatus is configured to ***receive the setting information from the one of the other network terminal apparatuses*** ***in response to the setting information requesting command from the network terminal apparatus to the one of the other network terminal apparatuses***, and ***transmit the setting information to another one of the other network terminal apparatuses in response to an*** ***acquisition request from said another one of the other network terminal apparatuses***; and

(c) the same network terminal apparatus is configured to set itself (that is, the network terminal apparatus) in accordance with the ***setting information received from the one of the other network terminal apparatuses via the network in response to the setting information requesting command from the network terminal apparatus to the one of the other network terminal apparatuses***.

The cited art simply does not disclose or suggest such aspects which involve the transmission of setting information requesting commands and acquisition requests between network terminal apparatuses connected via a network.

Kayashima, as understood by applicant, proposes a client-server system including an integrated management server (102) that provides security management service via a network (101) to a plurality of target servers (103-1 through 103-3). A user operating an edit program (2043) on the integrated management server 102 utilizes a template 2031 to generate one or more setting information files (2032), and then the setting information file 2032 can be transmitted to each relevant target server.

None of the servers of Kayashima are proposed in Kawashima to have the above-mentioned aspects (a) through (c) of the present application.

For example, the integrated management server 102 in the system proposed by Kayashima does NOT ***transmit a command requesting setting information*** to one of the other network terminal apparatuses via the network.

Further, the integrated management server 102 does NOT receive setting information from one of the other network terminal apparatuses via the network in response to such a setting information requesting command.

In addition, the integrated management server 102 does NOT transmit setting information

to another one of the other network terminal apparatuses ***in response to an acquisition request from said another one of the other network terminal apparatuses***. Contrary to the unsupported contention in the Advisory Action, there is no teaching or suggestion in Kayashima that the integrated management server 102 requests setting information from a target device, or *vice versa*, or that one target device requests setting information from another target device.

Further, the integrated management server 102, contrary to the unsupported contention in the Advisory Action, does NOT ***set itself (that is, the integrated management server 102)*** in accordance with the setting information. Instead, the setting information file generated by the user are, without being used to set the integrated management server 102, transmitted from the integrated management server 102 to one or more target devices. Further, it is noted that the setting information templates (2031) are native to the integrated management server 102 and are not transmitted from the integrated management server 102 via the network 101 to another device.

The target servers 103-1 through 103-N in the system proposed in Kayashima likewise do not include aspects (a) through (c).

In the system of Kayashima, the setting information is entered by a user through a program at the integrated management server 102 and is transmitted by the integrated management server 102 to the target server 103-1 based on program control resident on the integrated management server 102, and NOT in response to a command or request from the target server 103-1.

The target server 103-1 of Kayashima simply does NOT ***transmit a command requesting setting information*** to one of the other network terminal apparatuses via the network. Further, the target server 103-1 does NOT receive setting information from one of the other network

terminal apparatuses via the network in response to such a setting information requesting command from the target server 103-1.

In addition, the target server 103-1 does NOT transmit setting information to another one of the other network terminal apparatuses ***in response to an acquisition request from said another one of the other network terminal apparatuses***.

Further, the target server 103-1 does NOT ***set itself*** in accordance with setting information received from another network terminal apparatus via the network ***in response to the setting information requesting command from the target server 103-1 to the other network terminal apparatus***.

Henderson, [0097], which was cited in the Office Action, states as follows:

> [0097] The invention may provide for essentially any system (e.g., a PC or a Server) to become a system site. System sites may persist and manage data and participate in a distributed P2P configuration (decentralized). That site may simultaneously assume the role of server or client in the (centralized) client-server configuration (wherein the client accesses data remotely managed by a server).

Thus, Henderson merely proposes that any personal computer or server computer can be a "system site" and such system site can participate on a peer basis in a P2P configuration or as a client or server in a centralized configuration.

However, Henderson does not disclose or suggest any of the above-mentioned aspects (a) through (c) of the present application. Henderson, like Kayashima, does not involve the transmission of setting information requesting commands and acquisition requests between network terminal apparatuses connected via a network.

Applicant submits that the cited art, even when considered along with common sense and common knowledge to one skilled in the art, does ***NOT*** render unpatentable the above-mentioned aspects (a) through (c) of the present application.

Accordingly, applicant respectfully submits that independent claims 1, 7, 13 and 14, and the claims depending therefrom, are allowable over the cited art.

In view of the remarks hereinabove, applicant submits that the application is now allowable.

Should the Examiner disagree, applicant hereby requests a telephone interview with the Examiner.

Applicant earnestly solicits the allowance of the application.

If a petition for an extension of time is required to make this response timely, this paper should be considered to be such petition. The Patent Office is hereby authorized to charge any fees required in connection with this amendment, and to credit any overpayment, to our Deposit Account No. 03-3125.

Respectfully submitted,

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